

authors who have referred to the species, including Seegers (1984), agree as to which taxon bears the name *marmoratus* (references held by the Commission Secretariat).

No subspecies are recognized in the literature. Although *bonairensis* Hoedeman, 1958 was described as a subspecies of *marmoratus* and recognized as such on one occasion (Taphorn, 1980), it cannot be distinguished by any feature and was synonymized by Seegers (1984, pp. 295–296) when he included it in *marmoratus* as a synonym of *ocellatus*. The latter two taxa cannot be distinguished from one another, either as species or subspecies, which is why Seegers (1984) regarded them as conspecific. Given the systematic status of these nominal taxa in the literature, the failure of our application would mean that *marmoratus* would be known as *ocellatus*, and would not be a subspecies of *ocellatus*. Our own examination of additional material from Brazil shows that it is indistinguishable from *marmoratus* from Florida and Cuba.

Rivulus marmoratus was treated as a synonym of *R. cylindraceus* in a total of four papers (cited by Seegers in his comment, para. 2), not by 'nearly all ichthyologists'. During the same period (that is, prior to Rivas, 1945) it was treated as a distinct species by Jordan (1887), Jordan & Evermann (1896), Nichols (1914) and Myers (1925). In 100 papers covering more than a century (1880–1984), all but four papers referred to the species as *marmoratus*. Subsequent to Seegers (1984), 74% of papers continued to use that name. This is the straight-forward issue of the application: that the name has been used overwhelmingly for a long period of time, and that most of its users are non-systematists who are better served by stability in the biological literature than by priority of an obscure name. The petition is in accord with recent actions of the Commission which are aimed at promoting stability of names.

Additional references

- Jordan, D.S. 1887. A preliminary list of the fishes of the West Indies. *Proceedings of the United States National Museum*, 9: 554–608.
- Jordan, D.S. & Evermann, B.W. 1896. The fishes of North and Middle America. A descriptive catalog of the species of fish-like vertebrates found in the waters of North America, north of the Isthmus of Panama. *Bulletin of the United States National Museum*, 47: 1–1240.
- Myers, G.S. 1925. Results of some recent studies on American killifishes. *The Fish Culturist*, 4(8): 370–371.
- Nichols, J.T. 1914. *Gobiosoma longum* and *Rivulus heyei*, new fishes from the West Indian fauna. *Bulletin of the American Museum of Natural History*, 33: 143–144.
- Taphorn, D. 1980. First record of *Rivulus marmoratus* Poey, 1880 from the South American continent. *Zoologische Mededeelingen*, 55: 127–129.

Comments on the suppression of *Epicrium* Wagler, 1828 and EPICRIIDAE Fitzinger, 1843 (Amphibia, Gymnophiona)

(Case 2616 and Opinion 1604; see BZN 45: 207–209, 46: 134 and 47: 166–167)

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1. The suppression of the generic name *Epicrium* Wagler, 1828 in order to protect the family-group name ICHTHYOPHIIDAE Taylor, 1968 is very unsatisfactory for two fundamental and independent reasons: (a) the basic factual elements presented by

Wilkinson & Nussbaum (BZN 45: 207–209) were inaccurate and (b) their proposal was contradictory to the basic philosophy of the Code, which is that family-group names, like those of genera and species, must follow the Principle of Priority.

2. Wilkinson & Nussbaum's argument rested on their interpretation of *Epicrium* Wagler, 1828 as a replacement name for *Ichthyophis* Fitzinger, 1826, and on the incorrect statement that Wagler (1828) considered the latter name to be a nomen nudum (see their para. 2). Wilkinson & Nussbaum recognized that *Caecilia glutinosa* Linnaeus, 1758 is the type species of *Ichthyophis* Fitzinger, 1826, but they incorrectly stated that *Epicrium* has the same type species. To make the discussion clearer, I think it useful to provide a translation of part of Wagler's comments on his new genus *Epicrium* (of which he had given a Latin diagnosis): 'Should Herr Fitzinger's genus *Ichthyophis* belong here? The inadequacy of a dichotomic method is demonstrated here again. Who is able to recognize a genus in the *Oppositum* to Herr Fitzinger's genus *Caecilia* 'truncus depressus', which is the only characteristic given for his new genus *Ichthyophis*? Furthermore, this *Amphibium* has absolutely nothing fishlike, so that the name *Ichthyophis* should be rejected anyway, even if his genus did coincide with ours. I refrain from considering that the *Caecilia*, which Leschenault brought back from Ceylon and which is kept in the Paris Museum, belongs here...'

3. This text shows clearly that Wagler was quite uncertain about his *Epicrium* being the same as Fitzinger's *Ichthyophis*. *Epicrium* must be considered the name of a new nominal genus, with its own type species, and not a replacement name as was suggested by Wilkinson & Nussbaum. It follows that the type species of *Epicrium* is *Epicrium hasseltii* Wagler, 1828 by monotypy, and not *Caecilia glutinosa*.

4. The type species of *Ichthyophis*, *Caecilia glutinosa* Linnaeus, 1758, is endemic to Sri Lanka, while *Epicrium hasseltii* is from Java. The genus *Ichthyophis* Fitzinger, 1826, as currently understood, is large and heterogeneous and has not been recently revised: future work may well lead to its being split into several genera or subgenera, and to the use of the name *Epicrium* for some of the species currently included in it. For this reason, the Commission should revoke the suppression of this generic name, which was regularly used in the 19th century and which should be available in a group of still poorly known animals, the systematics of which is not yet stabilized. As shown above, the grounds for its suppression (which was solely to eradicate the family-group name EPICRIIDAE) were in error.

5. Wilkinson & Nussbaum proposed that ICHTHYOPHIIDAE Taylor, 1968 should be protected, despite the priority of EPICRIIDAE Fitzinger, 1843. They gave two reasons for this, which I shall discuss successively.

(a) The first reason given by Wilkinson & Nussbaum (para. 7) was stated as follows: 'We think it desirable and in the spirit of the Code that family-group names should, where possible, be based on valid generic names'. Contrary to these authors, I consider that this statement is exactly the reverse of the philosophy of the Code, and I wonder where in the Code can be found this 'spirit'. Furthermore, a Code cannot be interpreted according to its supposed 'spirit': it must simply be followed, otherwise it is not a Code! Family-group names are governed by the rules of the Code, not by what a particular author may 'think desirable'. The basic rule for determining the valid name for a taxon is the Principle of Priority, which is clear and has nothing to do with the 'spirit' which Wilkinson & Nussbaum claim to be that of the Code; actually, this 'spirit' would result in many changes of family-group names for long established taxa. Quite apart from the

status of *Epicrium*, saying that the name of a family-group taxon should be based on a generic name considered valid by taxonomists introduces a grave confusion between nomenclature and taxonomy: it is the same as the mistake (made by some authors) of saying that the name of the type species of a nominal genus should be a specific name considered valid. The Code provides a clear rule that determines unambiguously which name is valid for a taxon recognized within a given taxonomic frame: it is the earliest published name which rests on a name-bearing type referred by taxonomists to that taxon. No other consideration should be taken into account, because if it were this would tend to destroy the Code as a universal and permanent reference system.

(b) The second reason given by Wilkinson & Nussbaum for the suppression of the name EPICRIIDAE Fitzinger, 1843 was 'the confusion that would result from the replacement of a name that has gained general acceptance by an unused one, despite Article 40a(1) of the Code'. When rules on family-group names were first introduced in the Code, the stability of nomenclature was threatened in cases where the Principle of Priority had not been followed by previous authors. This is clearly the reason why the Code contains a provision (Article 40) for conserving some of these names. As was in effect admitted by Wilkinson & Nussbaum, however, Article 40a(1) prescribes that EPICRIIDAE Fitzinger, 1843 is a valid name, having priority over ICHTHYOPHIIDAE Taylor, 1968. I oppose the tendency of some authors to ask for the conservation of a name created only recently and used in a number of works, simply because they have not determined whether a senior synonym exists. Irrespective of the number of recent publications using such a junior synonym, I consider that it should only be conserved when its use has been not only intensive but also long (at least scattered over a 50-year period). This is consistent with Article 79 of the present Code. Acceptance by the Commission of proposals not respecting this principle will encourage taxonomists to work carelessly, without respect for the older literature, to create names for taxa already named, and to use names for a few years and then ask that they be 'protected'. If the Commission accedes to such requests its own credibility within the international taxonomic community and respect for the Code will be seriously diminished.

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Inspection of the original description of the nominal genus *Epicrium* Wagler, 1828 shows that Prof Dubois is correct in his above comment: contrary to BZN 45: 207, para. 2, *Epicrium* was not a replacement name for *Ichthyophis* Fitzinger, 1826. Wagler (pp. 742–743) established the name *Epicrium* and assigned to it '*Caecilia*.... [sic] Hasselt (Bullet. des sciences nat. 1824, 2. p. 375.) *Caecilia hypocyana* Hasselt [reference to Boie (1827; Isis, von Oken, 20: 565)]'. After the generic description, Wagler continued 'Species: *Epicrium Hasseltii*', and followed with a brief description of the species ending 'Habitat in Java... Javanis *Oclur-doeël* dictum'. Van Hasselt (p. 373, not p. 375 as given by Wagler) described but did not name a '*Caecilia*' from Java known there as '*Oclur-doeël*', and stated that he had obtained only a single specimen. It is evident that *Epicrium* was based on a single species from Java with the available specific names *hypocyana* Boie, 1827 and *hasseltii* Wagler, 1828. As pointed out by Prof Dubois (para. 4), *Caecilia glutinosa* Linnaeus, 1758, the type species of *Ichthyophis*, is a distinct species (endemic to Sri Lanka), and it may be that future workers will wish to separate